

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GEYNILLE DILLINGHAM,

Plaintiff,

v.

CAPGEMINI AMERICA, INC.,

Defendant.

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Civil Action No. **3:10-CV-1585-L**

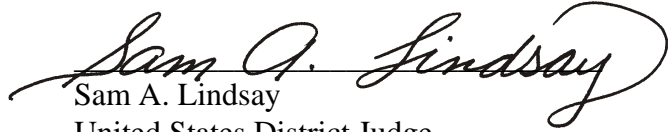
MEMORANDUM OPINION AND ORDER

Before the court is Capgemini America, Inc.'s Unopposed Motion to Extend Defendant's Time to File an Answer, filed September 15, 2010; and the parties' Agreed Motion to Arbitrate and Stay Proceedings, filed September 20, 2010.

With respect to the Agreed Motion to Arbitrate and Stay Proceedings, the court **grants in part** and **denies in part** the motion. Specifically, the court **denies** the parties' Agreed Motion to Arbitrate and Stay Proceedings to the extent that the parties request that the action be stayed, and **grants** it to the extent that the parties request that all claims be submitted to arbitration for resolution. The parties have expressly agreed that all of Plaintiff Geynille Dillingham's ("Plaintiff" or "Dillingham") claims are subject to arbitration under the Federal Arbitration Act, 9 U.S.C. § 1, *et. seq.*, and in accordance with the applicable rules and procedures of the American Arbitration Association. The court is convinced that all of Dillingham's claims in this action are arbitrable and must be submitted to arbitration for resolution. Under such circumstances, the district court may dismiss the action with prejudice rather than stay it. *Alford v. Dean Witter Reynolds, Inc.*, 975 F.2d 1161, 1164 (5th Cir. 1992); *Fedmet Corp. v. M/V Buyalyk*, 194 F.3d 674, 676 (5th Cir. 1999).

Accordingly, the court **dismisses with prejudice** this action and all claims therein asserted. Further the parties **shall submit** Plaintiff's claims in this action to arbitration in accordance with the arbitration clause of the employment agreement between Plaintiff and Capgemini and in accordance with the applicable rules and procedures of the American Arbitration Association. Finally, as the court has ordered the parties to submit to arbitration and has dismissed the action with prejudice, the court **denies as moot** Capgemini's Unopposed Motion to Extend Defendant's Time to File an Answer.

It is so ordered this 22nd day of September, 2010.


Sam A. Lindsay
United States District Judge